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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,944

07/17/2003

Herman Rodriguez

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EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/621,944

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Thu Thao Havan

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## Detailed Action

### *Drawings*

The Examiner accepts the drawings filed on February 23, 2004.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-6, 8-13, and 15-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Andrews et al. (US 2002/0103756).

Re claim **1**, Andrews teaches a method for check settlement (para. 0002; abstract; fig. 5; Andrews discloses a check settlement process in relation to on-line transactions), the method comprising:

a merchant's receiving a check from a customer (para. 0025; Andrews discloses an E-merchant offers goods for sale in exchange for payment. The payment is in the format of on-line payment by check);

entering check settlement information as digital data stored in computer memory  
(para. 0037 and 0024-0025; fig. 5; Andrews discloses e-ValuCheck as digital data for utilizing  
in a computer system having a memory); and

printing the check settlement information on the check (para. 0025, 0029; fig. 5;  
Andrews discloses software to enable check printing at the bank's site).

Re claims **2, 9, and 16**, Andrews teaches depositing the check and settling the check with no need to repeat the steps of entering and printing the check settlement information (para. 0029; fig. 5). Andrews discloses the check printing information is then transmitted from data center to an e-ValuCheck bank where a check is printed on printer, such as an MICR printer, and deposited in the bank. The e-ValuCheck bank where a particular check gets printed is selected based on a clearings database, which is an information store that attempts to minimize the check float that will occur for each merchant deposit (i.e. as claimed corresponding to the limitation "with no need to repeat the steps of entering and printing the check settlement information").

Re claims **3, 10, and 17**, Andrews teaches merchant endorsement information and check-specific information (para. 0028, 0010, and 0031). Andrews discloses E-merchants (i.e. merchant endorsement information) will receive 100% guaranteed payment on checks that are issued by purchasers. In that, he discloses an e-ValuCheck bank is essentially a participating bank that has chosen to offer the electronic check services described herein to its merchant clients.

Re claims **4, 11, and 18**, Andrews teaches entering merchant endorsement information before receiving a check and entering check-specific information upon receiving a

check (para. 0027-0028, 0038-00400011; fig. 5). Andrews discloses in the event that an approval is granted, the user of consumer unit is then required to confirm the transaction before the E-merchant can fulfill the order. In figure 5, a check image, a keypad and instructions that would be displayed to a consumer are shown. With the aid of the keypad, the on-line consumer can enter all the information that would normally be found on their paper check including the MICR line.

Re claims **5, 12, and 19**, Andrews teaches printing the check settlement information in a font used for check settlement (para. 0025, 0029). Andrews generates the information necessary to print the check in MICR. MICR is Magnetic Ink Character Recognition fonts.

Re claims **6, 13, and 20**, Andrews teaches fonts is a MICR font and printing the check settlement information in magnetic ink. (para. 0029, 0031, and 0038). Andrews teaches fully MICR (i.e. Magnetic Ink Character Recognition fonts) encoded checks at printer. When the font is a MICR font, printing check settlement information typically includes printing the check settlement information in magnetic ink.

Re claims **8 and 15**, Andrews teaches a system and a computer program as claimed in claim 1. Therefore the rationale applied in the rejection of claims 8 and 15 applies herein. Further note, Andrews discloses computer systems that have a structured central repository for data and information as corresponding to recording medium in a computer program (para.0024-0025).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. (US 2002/0103756) in view of Jones (US 2002/0145035).

Re claims 7 and 14, Andrews does not explicitly teach font is an OCR font and printing the check settlement information in non-magnetic ink. On the other hand, Jones discloses font is an OCR font and printing the check settlement information in non-magnetic ink (para. 0042-0043, 0051, 0064, 0070, 0072, 0077, and 0080). He discloses a software program with optical character recognition (OCR). When the font is an OCR font, printing the check settlement information typically includes printing the check settlement information in non-magnetic ink. He also discloses when processing checks, the scanhead may be directed by the OCR software to search for the "\$" symbol as a coordinate to the left of the numeric check amount field box. The OCR software may then compare the signature on the check with the signature on file for that particular account. The OCR software may be programmed to analyze the full image or to analyze only specified fields. For example, with a check, the OCR software may be programmed to read an image of the endorsement fields of the check and the amount fields of the check. In addition, OCR software may be used to extract data which can be stored in ASCII or other text formats. Thus, it would have been obvious to one of ordinary skill in the art to implement font is an OCR font and printing the check settlement information in non-magnetic ink for processing checks as discloses in Jones.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Swift et al, US 2003/0187796

Mascavage, III, US 2003/0126075

Dutta et al, US 2002/0152164

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan  
Art Unit: 3624  
8/3/2006